

Meeting of 2000-5-23 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MAY 23, 2000 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
 John Vincent, City Attorney
 Brenda Smith, City Clerk
 Lt. Col. Jeff Ewing, Fort Sill Liaison

The meeting was called to order at 6:00 p.m. by Mayor Powell. Invocation was given by Rev. Richard Mayer, St. John's Lutheran Church, followed by the Pledge of Allegiance. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One
 James H. Hanna, Ward Two
 Glenn Devine, Ward Three
 John Purcell, Ward Four
 Robert Shanklin, Ward Five
 Barbara Moeller, Ward Six
 Stanley Haywood, Ward Seven
 Michael Baxter, Ward Eight

ABSENT: None.

PRESENTATION OF EMPLOYEE OF THE MONTH AWARD TO ROY ANDERSON, WASTEWATER TREATMENT PLANT, PUBLIC WORKS DEPARTMENT.

Jerry Ihler, Public Works Director, introduced Roy Anderson as Employee of the Month for May. He said Mr. Anderson came to work for the City after having served 21 years in the Navy. Anderson was commended for his vigilance in checking equipment and for his efforts to find the best and most economical methods of completing tasks, to include fabricating of parts. Mayor Powell presented a Certificate of Honor, two days of non-chargeable leave and a plaque from T & S Printing in honor of Mr. Anderson's dedicated service. Anderson said he did not think he deserved the award because he was just doing his job, but that he appreciated being recognized.

Robert Edmonson, IUPA, and Mayor Powell signed the contract between the City and the Police Union. Staff and police bargaining members were commended on the manner in which bargaining was conducted and on reaching a two year contract.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MAY 9, 2000.

MOVED by Haywood, SECOND by Shanklin, for approval of the minutes. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION:

A group of children from Mrs. Tate's third grade class at Hugh Bish Elementary School presented a donation to the Kids Zone Park Project through their fund raising efforts and through the Lawton Car Dealers' Association. Mayor Powell expressed appreciation for the children.

Mrs. Owens spoke in favor of keeping the Pleasant Valley Center open for senior citizens. She felt the Parks & Recreation Department did not appreciate senior citizens and wanted to close some of the centers. Mayor Powell said each individual in the community is held in the highest esteem, regardless of age, and said he hoped any misunderstandings could be clarified. Baker said the Pleasant Valley Center had been closed for 11 days as staff members were preparing for the large number of special events that have been held recently. He said the Parks & Recreation Director had requested additional personnel to be able to keep the center open more days and that the Director had never recommended closing it. Baker said they were trying to have a balanced program and that recommendations would be made during the budget review.

Charles Kerr presented a \$1,000 donation to the Kids Zone Project from the Fraternal Order of Police.

Mark Glenn, Kids Zone Project Coordinator, said approximately \$250,000 has been donated toward the project. Volunteers will be recruited in August and construction will take place in October. He expressed appreciation for the community support that has been received.

UNFINISHED BUSINESS:

1. Consider authorizing the release of the Internal Affairs Investigation, the Internal Auditor's Report and the Independent Investigator's Report of the investigation of the landfill. Exhibits: Request for release of records from Mr. David Hale.

Vincent said Council directed him to see how the information could be sanitized as far as the names, positions, descriptions and otherwise make this a non-confidential report. He said they had done that and copies were placed at the table for Council members. Vincent said he and Frank Jensen recommend release of the document as it has been modified.

MOVED by Devine, SECOND by Smith, to release the documents. AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

2. Discuss the Preliminary City of Lawton Budget for FY 2000-2001 and provide direction to staff. Exhibits: None.

Mayor Powell said he would like to strike this item. Shanklin said he may not be able to attend the budget meeting on May 30 and would like to comment. Shanklin said Baker made a statement that the Assistant City Manager was not qualified, and wanted to know if Baker himself was qualified to handle the job, and if not, what are the qualifications as far as the new director's position in the budget to oversee Planning, Code Administration and Housing and Community Development. Baker said he did not have the background in those particular fields to direct those activities, although he was qualified to provide overall management direction.

Shanklin said a pay scale projection was mentioned last night and he hoped that would not be forgotten because it would be very informative for those who will be here three years from now to see what they are looking forward to in the way of generating revenue to fund those increases, which are not insignificant. He said each cost of living adjustment and each raise that is given increases it that much more.

Shanklin asked if mass transit was going to be ignored and said he knew the City Manager had left it up to the Council. Shanklin asked about the cost and Baker said it would be \$285,000 for the first year; second year cost is less because the first year includes purchase of capital equipment. Baker said approximately \$1.5 million in federal funds can be obtained if we spend the \$285,000. Shanklin said someone had done a lot of work to get to this point and for Council to completely ignore it is a slap in the face. Shanklin said he could support it and thought we should try it.

3. Consider awarding a construction contract to Krapff-Reynolds Construction Co. for the 2000 CIP Waterline Replacement Project #2000-13. Exhibits: Location Map; Bid Tab.

Public Works Director Jerry Ihler said bids were received for the second 2000 CIP water line replacement project. Approximately \$2 million in bond funds was appropriated to be refunded and paid off through the ad valorem tax for this fiscal year. The low bidder was Krapff-Reynolds Construction Company of Midwest City in the amount of \$1,114,810; contract time is 300 days. The area of the majority of the projects is covered by Cache Road on the north, Gore Boulevard on the south, 11th Street on the east, and Sheridan Road on the west. He recommended award of the construction contract to Krapff-Reynolds Construction in the amount of \$1,114,810.00.

MOVED by Shanklin, SECOND by Smith, to approve award of the construction contract to Krapff-Reynolds Construction in the amount of \$1,114,810.00. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine. NAY: None. MOTION CARRIED.

4. Consider authorizing a construction inspector for the 2000 Capital Improvement Program. Exhibits: None.

Ihler requested funding from the 2000 CIP for a construction inspector to provide quality control, quality assurance for the 2000 CIP Projects. The Engineering Division has two construction inspectors that handle inspection of all construction projects; there are 16 active construction projects and some are being awarded tonight. Locations of the projects range from Lake Ellsworth to the Landfill and to cover that kind of area and provide the kind of quality control that is necessary to insure a good construction product, we need to have additional inspection. Ihler said when an inspector goes on vacation, certainly one inspector cannot handle this work. Each inspector will have six to eight projects to cover.

Shanklin asked what kind of background an inspector would have. Ihler said a background in street or water line construction or building construction would be helpful, and interviews were just completed for construction inspectors. Ihler said there were more applicants that met the qualifications and they would like to go back to that application pool to select a person. Shanklin asked if they are local people and Ihler said he hoped so. Shanklin asked if the one that was hired was local and Ihler said the one that was hired came from within the City ranks.

MOVED by Smith, SECOND by Haywood, to authorize a construction inspector for the 2000 Capital Improvement Program. AYE: Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

5. Consider approving the Manual of Procedures for the Parks & Recreation Commission. Exhibits: Manual of Procedures.

Parks & Recreation Director Gary Salva said a committee reviewed and updated the manual, and the City Attorney has reviewed the document for legality. He recommended approval.

Purcell said the manual refers to the Lawton Metropolitan Area Planning Commission and it may be more appropriate to refer to the City Planning Commission, so that correction could be made.

MOVED by Purcell, SECOND by Smith, to approve the manual with the correction stated. AYE: Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

6. Consider approving a revocable communications cable permit for Caprock Communications for the installation and construction of a fiber optic communications cable system within the City's right-of-way. Exhibits: Location Map.

Mayor Powell said there are quite a few of these and there are problems trying to dig through different lines to get to our water lines. He asked how that is dealt with as far as placement of lines in conjunction with the location of the City's utilities. Code Administration Director Dan Tucker said in the initial contact with the company they had discussed the existing and planned water lines. This project is coming up from Geronimo along the east side of the road, and Caprock's engineer contacted the engineer who is designing the water line that is to be placed there. Tucker explained the location of the cable and said initial placement has been coordinated with the design engineer for the Geronimo water line.

Tucker said the location of the cable is from the southern City limits south of the landfill, along the east side of S 11th Street, or Highway 281, up to Goodin Road and at that point it leaves the City limits, continuing along Goodin Road to Railroad and then up north on the east side of Railroad to Bishop. It is still outside the City limits eastward until it gets to where it crosses to the north side of Bishop Road. It will be within the City right of way for a distance of 4,913 feet. Tucker said there will be no connections to the cable within the City limits.

MOVED by Smith, SECOND by Haywood, to approve the item. AYE: Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

ADDENDUM ITEMS:

1. Consider entering into a Technical Assistance Agreement with Community Capital Group for an evaluation of the Section 108 Loan to United Social Action, Inc. for the Dunbar School Renovation Project. Exhibits: Letter from Community Capital Group.

Housing and Community Development Director Frank Pondrom said a meeting was held about the effort to get a Section 108 loan. He said there are technical matters that need to be addressed and no one in the meeting had answers to address the issues that came up so he was charged with finding someone with expertise in the Section 108 loan area. Pondrom said he contacted Community Capital Group in Rhode Island and requested a quote to review the application and the technical issues based on their expertise. He said the company assisted Oklahoma City with their application and was very familiar with the process. Pondrom said they will perform a desk audit and review the application for a fee of \$1,726, and funds from CDBG are available. He said there is a need to request an extension to the June 30 HUD deadline as their work may not be completed by that time.

Haywood said for the first time those involved seemed to come together and the project started a long time ago. He said those from United Social Action were pleased and they had worked extremely hard on the project and run into many road blocks.

MOVED by Haywood, SECOND by Smith, to approve the agreement with Community Capital Group and to allow staff to put in for an extension. AYE: Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

2. Consider authorizing the Mayor to sign a Memorandum of Understanding with the ODOC Pre-Release Center and designate funding for the necessary equipment/tools. Exhibits: Memo from Public Works/Engineering Department. (MOU will be distributed at the Council meeting)

Baker said Council directed staff to pursue use of inmates from the Pre-Release Center to clean up the alleys. A series of meetings have been held and the City Attorney assured them that it would be legal to perform this work in the alleys. He said we do not need a contract according to the City Attorney, but it would be very good to have a Memorandum of Agreement that specifies the responsibilities of each party. Baker said a copy of the MOU was placed at the Council table, and as part of that MOU, the City would be agreeing to provide the tools and equipment that these individuals would need to clean up the alleys at an approximate cost of \$2,700. He recommended approval of the item.

Devine said we need a clear layout of what we can use this for before people start thinking it will be used to mow any and everybody's lawns that cannot afford to do so, and he wished that could happen. He said we need guidelines for what this

will be used for and how the inmates can be used because it was his understanding that they could not go on private property. Devine said he was 100% for it but wanted to be sure guidelines were in place and that people know the inmates cannot mow their lawns.

MOVED by Devine, SECOND by Shanklin, to approve the Memorandum of Understanding.

Purcell asked for an explanation of an alley, right of way and other public property because after the last meeting he received a call from an 81 year old gentleman who thought he could get the alley behind his house mowed. Purcell said he visited the location and found that it was basically an easement where the fences were not on the easement but on the property lines, and the man thought inmates would mow that. He asked for a clear definition of the terms. Vincent said an alley is basically an area you can drive in and sanitation trucks use them. Vincent said some areas have easements behind back fences and under the ordinance the owners are responsible to maintain that "no man's land" type of area, and it is not public property.

Smith said all of the calls he had received except for one had asked that this not be done so he would not be able to support it. Shanklin said the television took a poll and 80% wanted it done. Shanklin said Judge Kinslow had indicated that some of the inmates in the City jail could be used for such projects. Vincent said the problem with that would be supervision, whereas in this program DOC is providing supervision.

Vincent said he was working on a program with DOC where we can have contract supervisors and get additional prisoners but a different type of agreement is needed to have a supervisor that is not a DOC employee. Devine said DOC would be willing to train people at their facility to be able to take the responsibility of guarding these people and taking them out and working them. Vincent agreed and said a formal contract with DOC in Oklahoma City is needed for that. Devine said he thought a contract was in place. Baker said it expired and was not renewed.

Moeller asked what size of crews would be under one supervisor. Shanklin said it would be six, eight or ten people per supervisor. Haywood said they are also screened and have not committed violent crimes. Smith said he planned to vote no but wanted to be assured that any inmates from DOC to be used in this program would be non-violent criminals.

VOTE ON MOTION: AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: Smith. MOTION CARRIED.

Mayor Powell said since this came up he had received a volunteer offer from a young man to assist and had passed the information to the City Manager.

CONSENT AGENDA:

7. Consider adopting a resolution endorsing a road construction project on SE Flower Mound Road between Lee Boulevard and Gore Boulevard. Exhibits: Resolution 00-52; Public Lands Highway Discretionary Funds Application.

(Title only) Resolution 00-52

A resolution endorsing a road construction project on SE Flower Mound Road from Lee Boulevard to Gore Boulevard.

8. Consider approving plans and specifications for the Lake Ellsworth Dam/Spillway Repair Project #2000-21, authorizing staff to advertise for bids and authorizing funding from the 1995 CIP. Exhibits: Location Map. Action: Approve plans and specifications, authorize staff to advertise for bids and authorize funding from the 1995 CIP in the amount of \$70,000.

9. Consider approving additional construction funding for the Belmont and New York Avenues Street Improvement Project #2000-4. Exhibits: Location Map. Action: Approve additional construction funding (\$25,000 from FFY 1998 CDBG Contingency) for the project.

ITEM 10 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

11. Consider awarding a construction contract to Ford Roofing for the Town Hall Re-Roofing Project #2000-1. Exhibits: Location Map; Bid Tab. Action: Award a construction contract to Ford Roofing for the Town Hall Re-Roofing Project #2000-1 in the amount of \$16,772.80.

ITEM 12 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

13. Consider accepting Street, Driveway and Sidewalk Project #99-1 as constructed by S.M. Burk Mechanical Contractors and placing the Maintenance Bond into effect. Exhibits: None. Action: Approval of item.

14. Consider adopting a resolution ratifying the action of the City Attorney in filing and making payment of the judgment in the Workers' Compensation case of Walter Lopez in the Workers' Compensation Court, Case No. 99-12737K. Exhibits: Resolution 00-53.

(Title only) Resolution 00-53

A resolution ratifying the actions of the City Attorney in making payment of the judgment in the Workers' Compensation case of Walter Lopez for the amount of Ten Thousand Four Hundred Twenty-Eight Dollars and Forty-Eight Cents (\$10,428.48) per order of the Workers' Compensation Court, and filing a foreign judgment in the District Court of

Comanche County for purposes of placing said judgment on the tax rolls.

15. Consider entering into an agreement between the City and the Northside Chamber of Commerce in which the City agrees to co-sponsor the City-Wide Juneteenth Celebration 2000 by providing in-kind services and financial assistance. Exhibits: Letter of Request; Contract. Action: Approval of contract (\$3,500.00).

16. Consider submitting a grant application to the Corporation for National Service (CNS) for the Retired Senior Volunteer Program (RSVP) for Fiscal Year 2000-2001 funding and authorize the Mayor to accept the Grant when approved. Exhibits: None. (Application on file in City Clerk's Office) Action: Authorize submission of an application of CNS for partial funding of the 2000-01 RSVP Grant in the amount of \$24,014 and authorize the Mayor to execute the Grant agreement when approval by CNS and the State of Oklahoma is received.

17. Consider approving a Partial Release of Mortgage on residential property belonging to Ms. Glenda Josey located at 703 Highland Avenue, Lawton, Oklahoma, and authorize execution of the Partial Release of Mortgage. Exhibits: None. (Partial Release of Mortgage and Mortgage on file in City Clerk's Office) Action: Approval of item.

18. Consider approving Releases of Mortgage on residential properties belonging to Dorothy F. Richardson, and Roger D. Campbell, both of Lawton, Oklahoma, and authorize execution of the Releases of Mortgage. Exhibits: None. (Releases of Mortgage and Mortgages on file in City Clerk's Office) Action: Approval of item.

19. Consider approving the following contract extensions: A. Rental Equipment II with Hertz Equipment Rental; ICM of Oklahoma City; Construction Ag Supply Company; B. Moving Radar Unit with Kustom Signals, Inc. Exhibits: None. Action: Approval of item.

20. Consider awarding contract for Waste Oil Disposal. Exhibits: Department Recommendation; Abstract of Bids. Action: Award contract to Gill's Waste Oil Company, Lawton, OK.

ITEM 21 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

22. Consider awarding contract for a Manhole Rehabilitation Machine. Exhibits: Department Recommendation; Abstract of Bids. Action: Award contract to Quadex, Inc., Little Rock, AR.

23. Consider awarding contract for Manhole Lining Material. Exhibits: Department Recommendation; Abstract of Bids. Action: Award contract to Quadex, Inc., Little Rock, AR.

24. Consider awarding contract for Water Meters, Parts & Repairs. Exhibits: Department Recommendation; Abstract of Bids. Action: Award contract to Sensus Technologies, Inc., Uniontown, PA.

25. Consider awarding contract for Employee Assistance Program (EAP Services). Exhibits: Department Recommendation; Abstract of Bids. Action: Award contract to Red River Behavioral Health Services, Wichita Falls, TX.

26. Consider awarding contract for Life Insurance. Exhibits: Department Recommendation; Abstract of Proposals. Action: Award contract to Managed Health Resources, Oklahoma City, OK.

27. Consider awarding contract for Employee Physicals/Drug Screen Testing. Exhibits: Department Recommendation; Abstract of Proposals. Action: Award contract to The Center for Occupational Health, Lawton, OK, for the reasons specified in the department recommendation.

28. Consider approval of appointments to boards and commissions. Exhibits: Memorandum.

Commission on the Status of Women: Darlene Williams, Ward 7, Term: 1/23/00 to 1/23/02
Board of Adjustment: Tom Linville, City Planning Commission Rep., Term: 5/23/00 to 5/23/03
Redistricting Commission: Pat Henry, City Planning Commission Rep., Term: 5/23/00 to 7/1/05
Citizens' Advisory Committee (CIP): James W. Porter III, Ward 4 Rep., Term: 6/1/00 to 9/8/01

29. Consider approval of payroll for the period of May 15 through 28, 2000. Exhibits: None.

Separate consideration was requested on Items 10, 12 and 21.

MOVED by Shanklin, SECOND by Smith, to approve the Consent Agenda items as recommended with the exception of Items 10, 12 and 21. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None. MOTION CARRIED.

10. Consider approving additional construction funding, accepting "E" Avenue Waterline Project #99-16 as constructed by S.M. Burk Mechanical Contractors and placing the Maintenance Bond into effect. Exhibits: Location Map.

Mayor Powell asked if this was for an additional \$25,000. Ihler said yes, it is due to overruns in quantity for replacing concrete driveways and street repairs. Ihler said many of the driveways were older and kept crumbling when repairs were

attempted, causing crews to lay more concrete to be able to tie in properly. Mayor Powell asked if that was anticipated when the project started and Ihler said no.

MOVED by Smith, SECOND by Haywood, to approve the item. AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna. NAY: None. MOTION CARRIED.

Motion included approval of the item and of the following additional funding: \$4,152.15 from CDBG Contingency, \$10,070.26 from Lawrence Street Project and \$11,585.81 from Chisolm Trail Drainage Channel Project, total additional funding of \$25,808.22. Overall project cost is \$225,597.40.

12. Consider awarding a construction contract to M.L. Young Construction Corporation for the Robinson's Landing Lift Station & Restroom Facility Construction Project #2000-5. Exhibits: Location Map; Bid Tab.

Shanklin said he pulled it to call attention to the fact that we will be awarding a contract for the Robinson's Landing Lift Station in the amount of \$139,480 to M.L. Young Construction Corporation, which was the low base bidder on the 67th Street Project and on the Detention B reservoir. He said he wanted the people out there to know that it is coming.

MOVED by Shanklin, SECOND by Smith, to approve award of a construction contract to M.L. Young Construction Corporation for the Robinson's Landing Lift Station & Restroom Facility Construction Project #2000-5 in the amount of \$139,480.00. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine. NAY: None. MOTION CARRIED.

21. Consider awarding contract for a Backhoe/Loader. Exhibits: Department Recommendation; Abstract of Bids.

Devine asked Ihler where this backhoe would be used. Ihler said it will be used in the Street Division and a 1997 backhoe from the Street Division would be transferred to the Lakes.

MOVED by Devine, SECOND by Smith, to approve the item awarding the contract to Construction Ag Supply Company (CASE). AYE: Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Shanklin asked if a report would be provided regarding the burned out houses that were discussed at the last meeting. Baker asked Tucker to provide a briefing on 707 Gore and 1805 Dearborn. Shanklin said he was sent a copy of a situation on Sheridan Road and said he hoped it was not retaliation. Baker said it was not retaliation; he said a complaint came to him about a structure on S Sheridan, he passed it on to Code Administration to inspect and it was no form of retaliation.

Tucker said 1805 Dearborn was ordered secured and cleared of all junk and debris in March of 1999. The owner secured it in May of 1999, however in May of 1999 we filed criminal charges against the owner for failure to clear the property of junk and debris. The City had contacted the owner in May of 1999 telling them that the swimming pool that they have in the back yard was unsecured, was full of water, presented a health hazard to the City and also a safety hazard. The owner failed to pump it and the City was required to pump the pool dry in May 1999. We had requested in July of 1999 from the Housing & Community Development Department the status as to that property's condition regarding any historical significance that the property may have and in February of this year 2000 we received a response that the property had no historical significance. At that time the property was secure on the main structure, the rear structures would be secured and unsecured, and repeating themselves in that they had been given over to a realty company. We had contacted that realty company and told them that the property was unsecured, grass and weeds had grown up and that the pool was again filled with stagnant water. The realty company, when we checked on the 15th of May, had drained the pool, had mowed the grass, and had secured the property again. A notice was sent to the owners of the property, to the mortgage holders on the property and to the realtor managing the property that we had set that property for a public hearing on the 13th of June for consideration by this Council for condemnation as it has repeatedly come back to us over the past year and a half.

Tucker said the property at 707 West Gore was involved in a structural fire on October 30, 1999. It was an occupied property at the time that the fire occurred. Three weeks later, November 22, we contacted the property owners and asked them if they had decided if they were going to rebuild or demolish the property. This was immediately prior to the Thanksgiving holiday and the property owners advised us that they had not decided if they were going to rebuild or demolish the property but they were going to secure the property and make that decision after the holidays. On January 6 we again contacted the owner, spoke with a lady who is a co-owner of the house, she and her husband, asked them if they had made a decision as to whether or not they were going to demolish or remodel the property and they said they had not made that decision, that they were still communicating with the insurance company over the building, and we at that time told them that the property would have to be secured and the junk and debris removed from the exterior of the property. On January 7 we sent them an official notice, an administrative order, giving them 15 days in which to clean up or else we would file criminal charges on them for having junk and debris on the property. Upon reinspection the junk and debris which had been on the exterior and the interior of the property had either been removed or placed in a roll off container, a large dumpster type thing that they had placed in the front of the property. On January 12 we mailed an administrative order to the owners telling them the structures were unsecured and that they had to be secured. At that time all of the openings on the ground floor of the property had been secured to prevent entry to the property. A subsequent inspection of the property, because we were monitoring it closely, found one of the back doors unlocked. We sent a work order to Parks & Rec for the building maintenance people to install a padlock and hasp and we discovered that one of the persons in the employ of the owner who had been cleaning out and gutting the inside of the material and fire debris had left the building

unlocked. On April 4, 2000, we mailed an administrative order telling the property owner that all tall grass and weeds on the property had to be mowed and upon re-inspection it had been mowed. On May 3, 2000, we again contacted the owner and told them by letter that due to the condition of the house due to the fire that it was out of repair and unfit for habitation and that either repairs or demolition must be done. On May 4 we received a letter from the owner stating that it was his intent to remodel and repair the structure and that he had contacted a local architect to determine the extent of the work that would have to be done. On May 16 we sent a letter to the Housing & Community Development Department asking that an inspection be done by the State Historical Society to determine if that property had historical significance so that if the repairs and improvements were not done that we could bring it to Council for consideration for condemnation.

Shanklin said Tucker told him five or six months ago that he planned to give them six months so they would have time to get with their insurance and that we would not bother them during that time. Tucker agreed. Shanklin said it was six months later so he asked that it be placed on the agenda two weeks ago but staff had done something but had not told him that. Tucker said normally when we have a fire on a property, we realize it is a very traumatic thing for that property owner and that there are a lot of involvements with insurance and mortgage holders and others, and if they clean it up on the outside and secure the bottom windows, then that normally meets our needs. Tucker apologized to Shanklin for not telling him that.

Shanklin said he had a list, when we make a person board up a structure, showing they must apply a prime coat and then a coat that is homogeneous with the rest of the house. Tucker said that is correct. Shanklin said they put up bare plywood. Tucker said that is during the time that we are waiting for them to settle with the insurance company and make a decision.

Shanklin asked if there is historical significance to that building. Tucker said we have sent the letter and have not received a response yet; there have been six to eight months lag time receiving a response to those letters so we went ahead and sent it so we would have a response even if they do come in and get a permit. Shanklin said he did not know what qualified for historical significance any more but once it has been altered, then it was not, but that house was where Ned and Fred Shepler, publishers of the Lawton Constitution, were raised. Tucker said the owner indicated he had contacted a local architect about putting it back.

Mayor Powell asked who the letter was sent to at the Oklahoma Historical Society. Tucker said it was sent to Housing and Community Development on May 16, 2000. Mayor Powell asked if they expected a six month lag time in getting a response. Tucker said that has been their experience in the past. Shanklin asked if that means the house will stay like that for six more months. Tucker said no. Pondrom said it is located in Old Town North so he felt it would probably be historically significant.

Shanklin said it still has to meet the criteria of 50%. Tucker said no sir, it does not have to meet the 50%. Tucker said the historical significance comes into play only if we are going to fund the demolition through CDBG funds, and if this continues to be a problem, he would suggest finding another funding source for removal. Shanklin asked when this would be brought forward. Tucker said as soon as he gets a determination as to whether or not the man complies with the permit as he stated in his letter that he would do it during the month of June. Shanklin said Council had discussed giving building permits on condemnation matters where they would not have six months to show significant work being done, and that you should be able to see that they are making an effort immediately or otherwise we invalidate the building permit. Tucker said that has been discussed and this is in procedure where that can be done.

Baker asked if the structure is unsecured again that it will meet the definition of dilapidated by being unsecured three times and we can bring it to Council and ask for passage of a resolution. Tucker said that is correct, the State Legislature last year added two further conditions that would cause a building to be dilapidated; one would be if it is found unsecured greater than three times regardless of the physical condition of the building if the owner has it unsecured for greater than three times then it does meet the condition of dilapidated. The second condition is if the building has been boarded and secured for greater than 36 months then it can be considered to be dilapidated by the Council and removed. Tucker said the law went into effect November 1, 1999.

Baker said he planned to propose that Code Administration concentrate on dilapidated structures during the months of November, December and January, and cover the entire city during the winter months. He said the inspectors are spread so thin during the growing season that they cannot concentrate on dilapidated structures too much at other times. Baker said we would still be responsive to complaints at any time during the year, but if there is a program to concentrate on this during the winter, after two or three years we will have addressed just about every dilapidated structure.

Haywood thanked Parks & Recreation for doing a wonderful job at the Youth Rally and in cleaning and trimming the area for the event, which was very successful. He said Juneteenth would be held on June 17 and everyone is invited and free food will be provided. He said the food is not purchased by the City of Lawton but it is donated by individuals and organizations.

Mayor Powell said Marilyn Feaver called the City Manager at 3 p.m. today expressing an interest in addressing the Council concerning an economic development prospect. He asked that an emergency meeting be scheduled for tomorrow but had been advised by the City Attorney that it would not qualify for an emergency meeting, so he had scheduled a meeting for 1 p.m. on Friday, May 26. Mayor Powell said it is an informational item that Ms. Feaver would like to present to the City Council before they hear it on the streets, and no major announcements are expected but there are some decisions to be made.

BUSINESS ITEMS:

30. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2000-2001 between the Fire Union, IAFF, Local 1882, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

31. Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to evaluate the performance of the City Manager, City Clerk, City Attorney, and Municipal Judge; and, take action as necessary in open session. Exhibits: None.

MOVED by Shanklin. SECOND by Haywood, to convene in executive session as shown on the agenda and recommended by the legal staff. AYE: Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 7:15 p.m. and reconvened in regular, open session at approximately 8:35 p.m. with roll call reflecting all members present.

Vincent reported on Item 30, pursuant to Section 307B2, Title 25, Oklahoma Statutes, the Council met in executive session to discuss the on-going negotiations for a collective bargaining agreement with the Fire Union, Local 1882. No action is required.

Mayor Powell said Item 31 is pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to evaluate the performance of the City Manager, City Clerk, City Attorney, and Municipal Judge; and, take action as necessary in open session. He reported there is no action to be taken in open session.

There being no further business to consider, the meeting adjourned at 8:38 p.m. upon motion, second and roll call vote.